



FH  
[REDACTED]

**STATE OF WISCONSIN**  
**Division of Hearings and Appeals**

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In the Matter of

[REDACTED]  
[REDACTED]  
[REDACTED]

**DECISION**  
Case #: CCB - 206970

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**PRELIMINARY RECITALS**

Pursuant to a petition filed November 22, 2022, under Wis. Admin. Code, §HA 3.03(4), to review a decision by the Dane County Dept. of Human Services regarding child care assistance, a hearing was held on January 18, 2023, by telephone.

The issue for determination is whether expunged funds can be replaced.

**PARTIES IN INTEREST:**

Petitioner:

[REDACTED]  
[REDACTED]  
[REDACTED]

Respondent:

Department of Children and Families  
201 West Washington Avenue  
Madison, WI 53703

By: Ryan Grimes  
Dane County Dept. of Human Services  
1819 Aberg Avenue  
Madison, WI 53704-6343

**ADMINISTRATIVE LAW JUDGE:**

Brian C. Schneider  
Division of Hearings and Appeals

## FINDINGS OF FACT

1. Petitioner (CARES # [REDACTED]) is a resident of Dane County.
2. Petitioner receives child care assistance through the Wisconsin Shares system. In June, 2022, \$1,376.80 was deposited into her account. Petitioner then transferred the funds to her child care provider through the designated app, but the transfer did not go through.
3. In October, 2022 the provider informed petitioner that she had a balance due for the month of June. Because the Shares system uses a “last in, first out” accounting system, July, August, and September Shares deposits were used to pay the provider for those months. The system does not inform the recipient if transfers fail.
4. Because the June benefits were not used within 90 days, the funds were expunged from petitioner’s account by the state agency.

## DISCUSSION

According to Wisconsin Shares regulations, a subsidy payment expires 90 days after the date that the department issues the payment to the parent. See Wisconsin Administrative Code, §201.04(2)(c) and *Wisconsin Shares Handbook*, §18.7. The Administrative Code, §DCF 201.065(1)(d) states explicitly as follows: “*No appeal of payment expiration*. A parent may not appeal the expiration of a subsidy payment under s. DCF 201.04 (2) (c).” Italics in original.

During the hearing I discussed issuing an order to restore the June funds. However, I was unaware of the provisions discussed above. I must conclude that I do not have authority to order the restoration of the June, 2022 child care benefits.

## CONCLUSIONS OF LAW

The Division of Hearings and Appeals does not have authority to address the issue of the expiration of petitioner’s June, 2022 child care subsidy.

**THEREFORE, it is**

**ORDERED**

That the petition for review is hereby dismissed.

## **REQUEST FOR A REHEARING**

You may request a rehearing if you think this decision is based on a serious mistake in the facts or the law or if you have found new evidence that would change the decision. Your request must be **received within 20 days after the date of this decision**. Late requests cannot be granted.

Send your request for rehearing in writing to the Division of Hearings and Appeals, 4822 Madison Yards Way, 5<sup>th</sup> Floor North, Madison, WI 53705-5400 **and** to those identified in this decision as "PARTIES IN INTEREST." Your rehearing request must explain what mistake the Administrative Law Judge made and why it is important or you must describe your new evidence and explain why you did not have it at your first hearing. If your request does not explain these things, it will be denied.

The process for requesting a rehearing may be found at Wis. Stat. § 227.49. A copy of the statutes may be found online or at your local library or courthouse.

## APPEAL TO COURT

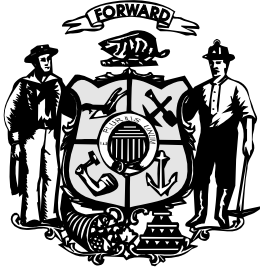
You may also appeal this decision to Circuit Court in the county where you live. Appeals must be filed with the Court **and** served either personally or by certified mail on the Secretary of the Department of Children and Families, 201 West Washington Avenue, **and** on those identified in this decision as “PARTIES IN INTEREST” **no more than 30 days after the date of this decision** or 30 days after a denial of a timely rehearing (if you request one).

The process for Circuit Court Appeals may be found at Wis. Stat. §§ 227.52 and 227.53. A copy of the statutes may be found online or at your local library or courthouse.

Given under my hand at the City of Madison,  
Wisconsin, this 20th day of January, 2023

\s 

Brian C. Schneider  
Administrative Law Judge  
Division of Hearings and Appeals



**State of Wisconsin\DIVISION OF HEARINGS AND APPEALS**

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The preceding decision was sent to the following parties on January 20, 2023.

Dane Cty. Dept. of Human Services  
Child Care Benefits